

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DAWN BILLER,	:	
	:	CASE NO. 1:09-CV-01763
Plaintiff,	:	
vs.	:	OPINION & ORDER
MICHAEL J. ASTRUE,	:	[Resolving Doc. Nos. 1 & 28]
Commissioner of Social Security,	:	
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Dawn Biller challenges the final decision of the Commissioner of Social Security, denying the Plaintiff's claim for Supplemental Security Income under Title XVI of the Social Security Act, 42 U.S.C. § 1381 *et seq.* [[Doc. 1](#).] Plaintiff Biller asserts three assignments of error, although all revolve around the argument that the Administrative Law Judge ("ALJ") failed to articulate the basis of his decision with sufficient specificity to make clear to subsequent reviewers the weight he gave to the record evidence. [[Doc. 17](#).]

This matter was referred to Magistrate Judge Perelman pursuant to Local Rule 72.2. On October 27, 2010, the case was reassigned to Magistrate Judge Vecchiarelli. On December 8, 2010, Magistrate Judge Vecchiarelli issued a Report and Recommendation that recommended this Court vacate the final decision of the Commissioner and remand the case so the Commissioner may more fully articulate his grounds for decision. [[Doc. 28](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of

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those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. [*Id.*](#); [*Fed. R. Civ. P. 72\(b\)\(2\)*](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [*Thomas v. Arn*, 474 U.S. 140, 145 \(1985\)](#); [*United States v. Walters*, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt the magistrate judge's report without review. See [*Thomas*, 474 U.S. at 149](#).

In this case, neither party has objected to the Magistrate Judge's recommendation and the Defendant has specifically noted that it does not object. [[Doc. 29](#).] Moreover, having conducted its own review of the record and the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Vecchiarelli.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Vecchiarelli's Report and Recommendation and incorporates it fully herein by reference, **VACATES AND REMANDS** the decision of the Commissioner of Social Security for the purpose of adequately articulating his assessment of the record evidence.

IT IS SO ORDERED.

Dated: January 3, 2010

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE